

VZCZCXRO7232
OO RUEHCHI RUEHCN RUEHDT RUEHHM
DE RUEHJA #0717/01 1000835
ZNY CCCCC ZZH
O 090835Z APR 08
FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8607
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
RUEHBJ/AMEMBASSY BEIJING 4893
RUEHBY/AMEMBASSY CANBERRA 2285
RUEHLM/AMEMBASSY COLOMBO 0975
RUEHKA/AMEMBASSY DHAKA 0907
RUEHKT/AMEMBASSY KATHMANDU 0145
RUEHNE/AMEMBASSY NEW DELHI 1721
RUEHPB/AMEMBASSY PORT MORESBY 3753
RUEHKO/AMEMBASSY TOKYO 1769
RUEHWL/AMEMBASSY WELLINGTON 2503
RUEHHK/AMCONSUL HONG KONG 2558
RHEFDIA/DIA WASHINGTON DC
RUEAIIA/CIA WASHDC
RHEHNSC/NSC WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 000717

SIPDIS

SIPDIS

DEPARTMENT FOR EAP, EAP/MTS, DRL, DRL/AWH, AID/ANE
NSC FOR EPHU

E.O. 12958: DECL: 04/09/2018

TAGS: [PGOV](#) [KJUS](#) [ID](#)

SUBJECT: INDONESIA LEGISLATURE PASSES FREEDOM OF
INFORMATION ACT

JAKARTA 00000717 001.2 OF 002

Classified By: Pol/C Joseph Legend Novak, reasons 1.4(b+d).

11. (C) SUMMARY: After years of discussion and debate, the Indonesian House of Representatives (DPR) has passed a Freedom of Information Act (FOIA). President Yudhoyono is expected to sign it. Observers say the long-awaited bill will stimulate transparency and accountability at all levels of government, solidifying citizen rights in this new democracy. According to contacts, however, there are drawbacks in the fine print constraining citizen rights to some extent. Mission played a key role in advocating and helping formulate the bill. END SUMMARY.

PASSING A KEY ACT

12. (U) The DPR passed a landmark Freedom of Information Act (FOIA) on April 3. Civil society advocates--who wanted Indonesia to move beyond the colonial-based authoritarian mind-set of the past--began pressing for the law soon after Suharto's fall in 1998. Since 2001, Mission (through USAID) has provided targeted support to civil society advocacy groups and technical assistance to the DPR on the bill. The law acknowledges the right of citizens to access governmental information and provides mechanisms through which citizens can obtain such information. The law also provides for sanctions to public bodies if they do not comply. In addition, the law establishes an Information Commission, which will play a key role in arbitrating appeals regarding information requests. The law is slated for implementation in 2010. President Yudhoyono is expected to sign it shortly.

13. (C) Observers are largely upbeat about the new law. In comments echoed by others, Agus Sudibyo, NGO Coalition for Freedom of Information--a coalition which has been lobbying the DPR on the bill for several years--characterized the law as constructive and positive. He noted that the law guarantees the public right to access government information and opens up government bodies to public scrutiny. The provision of sanctions for non-compliance by governing

entities is "a coup," according to Sudibyo. The law outlines mechanisms for public bodies to provide information to citizens and it states the types of information. Some types of information are required to be published on a regular basis. All of this is clear and positive for the accountability cause in Indonesia, he said.

DRAWBACKS IN THE FINE PRINT

14. (SBU) Some civil society groups, however, criticized a problematic section criminalizing users of information who "deliberately use information in violation of the law." Misuse of information could land a user in jail for up to one year or result in a fine of up to Rp. 5,000,000 (about USD 555). Without clear guidelines for what would count as "misuse," observers are concerned that the provision could itself be misused by authorities. The FOIA should regulate access to information, not use of information, they say.

15. (SBU) Some civil society contacts also expressed concern over the make-up of the Information Commission. Although they lauded the creation of such a Commission to arbitrate FOIA cases, they pointed out that as written, the law could allow the government to appoint six out of seven commissioners. The government also bears responsibility for recruiting the commissioners. Observers are concerned that this reveals governmental reluctance to allow for the autonomy of the Commission.

A MOVE TOWARD OPENNESS

16. (C) Most observers agree that the bill is a highly positive development for transparency and accountability in Indonesia. The bill took eight years to pass, but that time was useful as the law includes major input from civil society. Much depends on the implementation of the law, the

JAKARTA 00000717 002.2 OF 002

harmonization of the draft State Secrets Act which is also under discussion, and civil society support. Though the law will not take effect until 2010, the government posits this lag will allow sufficient time for the implementation of mechanisms to respond to requests. If properly implemented (and that can be a problem in Indonesia), the law will open up the Indonesian government to scrutiny and compel the GOI to be more responsive and accountable to the public.

HUME